

Message Text

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70

ACTION EUR-12

INFO OCT-01 ISO-00 ACDA-10 CIAE-00 INR-07 IO-13 L-03

NSAE-00 NSC-05 EB-07 NRC-07 OES-06 DODE-00 FEA-01

COME-00 /072 W

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R 241714Z AUG 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC 1288

INFO ERDA WASHDC

ERDA GERMANTOWN

USMISSION EC BRUSSELS

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E.O. 11652: NA

TAGS: ENRG, GW, US

SUBJ: GERMAN/US AGREEMENT ON HIGH-TEMPERATURE-REACTOR
COOPERATION

REF: BONN 12872

1. THE FRG MINISTRY FOR RESEARCH AND TECHNOLOGY
(BMFT) TRANSMITTED ITS OPINION ON ARTICLE 10 PARA 1,
SEC. D OF THE ERDA-BMFT AGREEMENT ON HTR-COOPERATION
ON AUG. 20. FOLLOWING IS AN INFORMAL TRANSLATION OF
THE CABLE.

2. BEGIN INFORMAL TRANSLATION: THE BMFT IS PREPARED
TO KEEP THE PREVAILING TEXT (I.E. WITHOUT THE NEW
SEC. D). THIS REGULATION COMPLIES WITH THE INTEREST
OF THE TWO PARTIES TO ENSURE THE UNHAMPERED FLOW OF
INFORMATION DURING THE PHASE OF R & D.

HOWEVER, THE BMFT IS NOT SURE THAT THIS REGULATION
TAKES INTO ACCOUNT THE INTEREST OF THE TWO PARTIES
IN THE CASE OF COMMERCIAL UTILIZATION OF THE HTR
DEVELOPMENT. SINCE A COMMERCIAL UTILIZATION CANNOT
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BE EXPECTED AT THE MOMENT, IT SEEMS TO BE PREMATURE

TO NEGOTIATE PATENT REGULATIONS. THE BMFT STARTS
FROM THE PRINCIPLE THAT EVEN WITH THE PREVAILING
TEXT, A COMMERCIAL UTILIZATION SHOULD BE REGULATED
THROUGH SPECIAL ARRANGEMENT ACCORDING TO ARTICLE 10,
PARA 1 IN CONNECTION WITH ARTICLE 6 IN ACCORDANCE
WITH THE PROVISIONS OF THE INDIVIDUAL CASE. THEREBY,
THE COMMERCIAL INTERESTS OF THE PARTIES SHOULD BE
ASSURED IN AN APPROPRIATE MANNER.

THE PREVAILING REGULATIONS OF ARTICLE 10 FOR R & D
SHOULD NOT HAVE A PREJUDICIAL EFFECT IN THIS CONNECTION.
END INFORMAL TRANSLATION.
HILLENBRAND

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